

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

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NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (PCT Rule 71.1)

Date of mailing
(day/month/year)

17.03.2005

Applicant's or agent's file reference
402885WO

IMPORTANT NOTIFICATION

International application No.
PCT/EP2004/002002

International filing date (day/month/year)
26.02.2004

Priority date (day/month/year)
31.03.2003

Applicant
KONINKLIJKE KPN N.V.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:



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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 402885WO		FOR FURTHER ACTION		See Form PCT/PEA/416
International application No. PCT/EP2004/002002		International filing date (day/month/year) 26.02.2004		Priority date (day/month/year) 31.03.2003
International Patent Classification (IPC) or national classification and IPC G07F7/10, G07F19/00				
Applicant KONINKLIJKE KPN N.V.				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 06.10.2004		Date of completion of this report 17.03.2005		
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer Guivol, O Telephone No. +31 70 340-3462		



**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2004/002002

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-8 as originally filed

Claims, Numbers

1-20 as originally filed

Drawings, Sheets

1/4-4/4 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing *(specify)*:
 - ☐ any table(s) related to sequence listing *(specify)*:
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing *(specify)*:
 - ☐ any table(s) related to sequence listing *(specify)*:

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2004/002002

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	3-13,15-17,20
	No: Claims	1,2,14,18,19
Inventive step (IS)	Yes: Claims	
	No: Claims	1-20
Industrial applicability (IA)	Yes: Claims	1-20
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

1. The following documents are referred to in this communication:

D1 : EP 0 786 747 A (FRANCE TELECOM) 30 July 1997 (1997-07-30)
D2 : DE 197 16 068 A (GIESECKE & DEVRIENT) 22 October 1998 (1998-10-22)
D3 : EP 0 203 543 A (SIEMENS) 3 December 1986 (1986-12-03)
D4 : WO 99/33033 A (VISA INTERNATIONAL SERVICE ASSOCIATION)
1 July 1999 (1999-07-01)

2. INDEPENDENT CLAIMS 1, 14, 18, 19

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1 and 14 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parenthesis applying to this document): a method for using an electromagnetic scratchcard (1) to provide services between a terminal accessible to a service customer and an infrastructure comprising a network and a service provider whereby an activation code is present in electronic or magnetic form on the electromagnetic scratchcard and the activation code is used to activate a card balance that is associated with the electromagnetic scratchcard and is accessible to the server. (see column 3, line 21 - column 4, line 11; column 6, lines 25-52).

The activation code is the "numéro d'identification de la carte" which gives access to the credit on the server and therefore activates the use of the account..

- 2.2 Notwithstanding the general terminology (activation code which could both mean "a code to unlock the card" and "a code to activate the account" such as the account number itself) used for claims 1 and 14 resulting in the novelty objection, the present application does not meet the criteria of Article 33(1) PCT, because the subject matter of claims 1 and 14 is not new in the sense of Article 33(2) PCT in the light of D2 neither.

- 2.2.1 Document D2, which is considered to represent the most relevant state of the art to the subject matter of claims 1 and 14, discloses (the references in parenthesis applying to this document):

a method for using an electromagnetic scratchcard (1) to provide services

between a terminal accessible to a service customer and an infrastructure comprising a network and a service provider whereby an activation code is present in electronic or magnetic form on the electromagnetic scratchcard and the activation code is used to activate a card balance that is associated with the electromagnetic scratchcard and is accessible to the server. (see column 1, line 65 - column 2, line 19; column 5, line 35 - column 7, line 8, line 5)

- 2.3 In both D1 and D2, the electronic scratchcard, the terminal and server participating in such method are implicitly or explicitly disclosed therefore the subject-matter of claims 18 and 19 is not new neither for the same reasons as above.

3 DEPENDENT CLAIMS 2-13, 15-17, 20.

- 3.1 Dependent claim 2 does not contain any feature which, in combination with the features of any claim to which it refers, meet the requirements of the PCT in respect of novelty (Article 33(2) PCT). Both D1 and D2 have a unique card ID present in the card.
- 3.2 Dependent claims 3-13, 15-17, 20 differ from the disclosure of D2 by the fact that the activation code may be read out conditional on the offering of an activation challenge to the card to verify if it is equal to an initial challenge present in the card. Only then is access given to the use of the card balance stored in the server.

The problem to be solved by the present invention may therefore be regarded as making access to a standard use of the card balance stored on the server dependent on an activation challenge to "unlock" (i.e. activate) the card.

- 3.2.1 In view of D3, the solution proposed in claim 3-13, 15-17 and 20 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

a challenge is sent to the card (comparison of Zustandsnummer Z1 resp. Teilnehmersnummer T1 to challenges Z2 and T2 sent to card for a comparison within the card) and if the challenges are matching, Teilnehmersnummer serves as Account number and gives access to the

card.

- 2.2.5 Therefore the features disclosed in D2 (access to a credit on server) and D3 (unlock according to a challenge compared in the card) would be combined by the skilled person, without exercise of any inventive skills in order to solve the problem posed. The proposed solution in dependent claims 3-13, 15-17 and 20 thus cannot be considered inventive (Article 33(3) PCT).
3. The same idea of unlocking a card as in D2 is also disclosed in D4 to achieve the same advantage of making access to the virtual "scratchcard" account on server dependent on a challenge to be compared to an initial challenge in the card. The proposed solution can therefore neither considered inventive in the light of the combination of the features of D2 and D4.